directions) must be kept entirely distinct from their function as beneficiaries (seeking an order in the terms of para. 3 of the Summons). This would involve, as I understand it, instructing two counsel, one to represent them as trustees and the other to represent them as beneficiaries. I think it is impossible to lay down any general rule which would be applicable to every case in which the trustees of a will have an interest as beneficiaries in the questions which are to be determined. Each case must depend upon its own facts, and the trustees in each case must act as they think proper having regard to the responsibilities of their position as trustees; and in case of doubt they can apply to the court for directions. But in this case it seems to me that they did all that was required of them in serving all persons who might be interested and in asking the Court to appoint counsel to argue the case for the other side. The point is that they have ensured that the Court, before giving its directions, had the advantage of having both sides fully argued. A further matter which it was necessary for the trustees to consider was the question of who would be damnified by an order made in the terms of para. 3 of the summons. With regard to the pecuniary trust in clause 8 only the two trustees and Rajagopal are concerned. Whether they take an absolute interest in the property now or whether they receive the rents and profits until after the period has expired and then take it absolutely is a question in which no one is interested except themselves and Rajagopal. As for the burial ground trust, I suppose it is possible that if I had held this to be a charitable trust some unspecified person or persons might have benefitted from the application in some way of the cypres doctrine. But before this could happen it was necessary to establish the proposition that the trust was a charitable trust. And in order that that proposition might be argued before the Court the trustees secured the appointment of Mr. Goho as counsel to argue it. Therefore it seems to me that in this case the trustees have done all that the responsibilities of their position demanded them. But I must make it plain that I am only expressing my view on the facts of this particular case.

The answers to the two questions contained in paragraphs (1) and (2) of the Originating Summons are in the affirmative, and an Order will issue in the terms of paragraphs 3 thereof.

Costs on the Higher Scale to be taxed between Solicitor and Client and paid out of the estate.

Order Accordingly.

HO KIAT SWEE v. REX.

[Appellate Crim. Juris. (Jobling, J.) December 18, 1946]

Opium and Chandu Proclamation, No. 43 of 1946 — Sufficiency of certificate to show that article is chandu.

In this case the prosecution put in a certificate to show that an article in question was chandu. The certificate did not show that the chemist who signed the certificate analysed the articles sent to him or any one of them; nor did it show that when he referred to the articles as Chandu he was aware of the technical definition of the word "Chandu" in the Proclamation and was satisfied that it came within that definition.

Held, that the certificate was an insufficient one and as it was the only evidence for the prosecution that the article found on the accused's premises was chandu, the result was that the prosecution had not proved its case and the conviction must be quashed.

MAGISTRATE'S APPEAL.

D. K. Walters and *Wee Chong Jin* for the Appellant.

A. W. Bellamy for the Respondent.

Jobling, J. : — The certificate in this case is an extremely unsatisfactory one. It is the only evidence for the Prosecution that the article found on the accused's premises is Chandu within the meaning of this term in the Opium and Chandu Proclamation No. 43 of 1946.

I think it is a sufficient certificate of a Chemist of the Department of Chemistry and so far complies with the provisions of the law but it does not show that the Chemist who signed the certificate analysed the articles sent to him or any one of them. Further it does not show that when he refers to the articles as Chandu he was aware of the technical definition of the word "Chandu" in the proclamation (paragraph 23) and was satisfied that it came within that definition.

In the circumstances I take the view that the Prosecution has not proved its case in the matter and my only course is to quash the conviction and the conviction is quashed accordingly.

Conviction Quashed.

JANGIR SINGH v. REX.

[Appellate Criminal Jurisdiction (Murray-Aynsley, C.J. April 30, 1947]

Evidence Ordinance, Section 25 — Distinction between a confession and admission.

This was an appeal against a conviction for possession of firearms and explosives. The evidence showed that a police officer found two revolvers. Later it was alleged that the appellant came to the police officer and asked him "Have you taken my pistol or not?" The only point argued on the appeal was whether this amounted to a confession.

Held, that as the statement in the present case was sufficient to discharge the burden of proof on the pro-